

OGC 73-0075

16 January 1973

MEMORANDUM FOR:

STAT

SUBJECT:

Dissemination of PRENSA LATINA
Material

REFERENCE:

Your memo to OGC,
Same Subject

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1. Referent memorandum requests the opinion of this office on the following questions:

a. Did a public statement by Premier Fidel Castro on 30 April 1967 to the effect that Cuba intended to disregard international copyright laws, such as the Universal Copyright Convention (UCC), constitute legal abrogation of such agreements by Cuba; and,

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2. In response to the first question, it seems pertinent to discuss recent international copyright developments with regard to developing nations such as Cuba.

3. During the 1960's the emergence of newly developing nations with serious educational needs led to a crisis in the international copyright field as these countries sought to import foreign educational materials from developed nations on terms they could afford. Led by India, these developing countries pressed rigorously for reform of international copyright agreements which they viewed as an impediment to their cultural and educational advancement.

OGC Has Reviewed

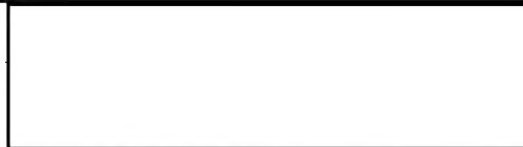
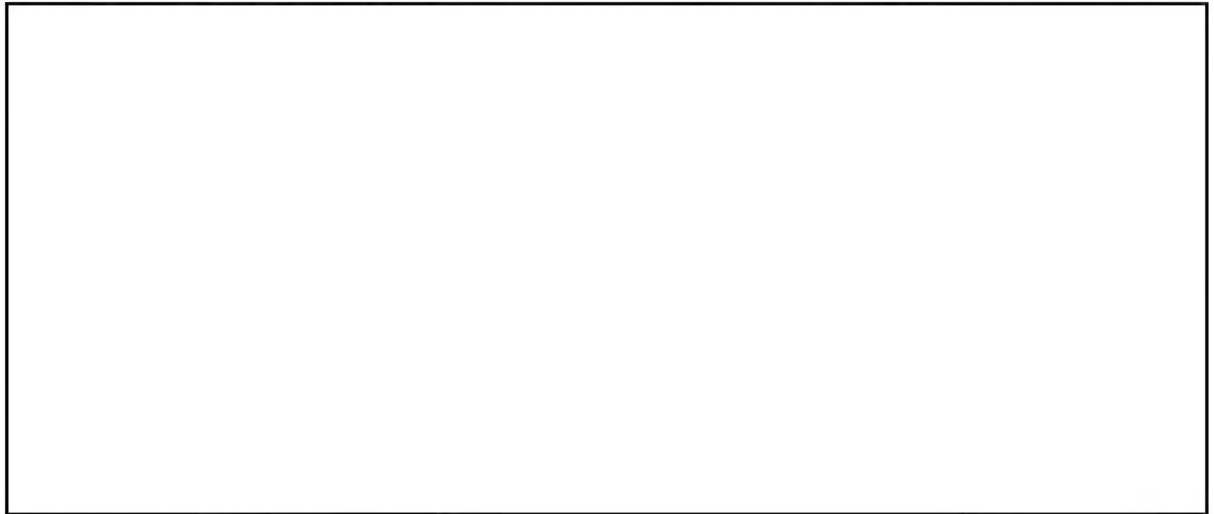
4. In recent years, two international conferences have been held to consider the problem of access to copyrighted materials by developing nations.

5. The first conference took place in Stockholm in 1967 to consider revisions of the Berne Convention (1886), which is the other major international copyright agreement in addition to the Universal Copyright Convention (1955). The United States and Cuba are signatories to the UCC but are not parties to the Berne Convention and attended the 1967 conference in Stockholm as observers. At this conference a very liberal protocol was adopted providing developing nations with broad and practically uncontrolled access to educational and scientific materials copyrighted in Berne member states. This protocol, however, was considered unacceptable to the governments of most developed countries and never entered into force.

6. Developing countries then pressed for revision of the UCC; some of these countries threatened to renounce international copyright laws entirely if reform did not take place. In an effort to forestall this possibility, a second conference was held in Paris in 1971 to discuss revisions of the UCC. A compromise was reached at this conference and developing nations obtained reasonable concessions from developed nations, primarily in the area of use of copyrighted materials for educational and cultural purposes. The United States signed the revised agreement in 1971 and the Senate ratified the Agreement on 14 August 1972.

7. It seems, then, that Castro's remarks in 1967 were made in an atmosphere when international copyright laws were under intense review and criticism not only from Cuba, but from many other developing nations as well. It should also be noted that Castro was discussing educational works. Under the agreement reached in 1971, Cuba is now entitled to receive the special benefits provided for developing nations regarding use of copyrighted materials for educational purposes. This point was made clear during the Senate ratification hearings when Senator Fulbright asked a witness if Cuba would be a beneficiary under the proposed revisions of the UCC and he received an affirmative reply. (Hearings before the Senate Committee on Foreign Relations, Executive G, 92d Cong., 2d Sess. at p. 52 (1972)).

8. Under these circumstances, it is the opinion of this office that Castro's remarks in 1967 did not constitute legal abrogation by the Cuban Government of the provisions of the Universal Copyright Convention. Moreover, Cuba has not formally withdrawn from the Universal Copyright Convention, according to Mr. George D. Cary, Register of Copyrights. STAT



Assistant General Counsel

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Distribution:

1 - Orig - Subject - COPYRIGHT

1 -  Signer

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ACTION	DIRECT REPLY	PREPARE REPLY
APPROVAL	DISPATCH	RECOMMENDATION
COMMENT	FILE	RETURN
CONCURRENCE	INFORMATION	SIGNATURE

Remarks:

Attached is the memorandum we discussed Monday. I have also attached for your background information a copy of the Registration Statement PRENSA LATINA filed with the Department of Justice in 1962 and a copy of a memorandum which discusses the risk of liability of a suit for copyright infringement or unfair competition. Please note that in para. 6 of that memorandum in which we stated that the risk of liability is inconsequential.

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.	DATE
Assistant General Counsel 7D07 HQ	1/16/73
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NOTE ATTACHED TO OGC 73-0075

44-72-1752

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

STAT

TO : Office of
General Council
Central Intelligence Agency

DATE: 28 NOV 1972

95
FROM : Justin J. O'Shea, Chief
Registration Section

SUBJECT: PRENSA LATINA

In accordance with your telephone request of November 27, 1972 I am enclosing a copy of the Exhibit C filed in connection with the registration statement of Prensa Latina under the provisions of the Foreign Agents Registration Act. The statement and exhibit were filed on April 16, 1962.

Enclosure

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APR 16 1952

UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

Registration Section
DEPARTMENT OF JUSTICE

EXHIBIT C

TO REGISTRATION STATEMENTS

REGISTRATION No. 1537

Under the Foreign Agents Registration Act of 1938, As Amended

Furnish this exhibit for each FOREIGN PRINCIPAL of the Registrant.

THIS EXHIBIT WILL NOT BE ACCEPTED FOR FILING UNLESS IT IS REASONABLY COMPLETE AND ACCURATE.

1. Name and address of Registrant. PRENSA LATINA, AGENCIA INFORMATIVA LATINOAMERICANA, SOCIEDAD ANONIMA (United States office) 580 Fifth Avenue, New York, N. Y.
2. (a) Name of Foreign Principal. PRENSA LATINA, AGENCIA INFORMATIVA LATINOAMERICANA, SOCIEDAD ANONIMA

(b) Principal address of Foreign Principal.

Edif. Seguro Medico
23rd Street, No. 201
Havana, Cuba

3. If the Foreign Principal is a foreign government, state the following:

Branch or agency thereof represented
by Registrant

Name and title of official with
whom Registrant deals

Not applicable

4. If the Foreign Principal is an individual (natural person), state -

(a) All present business and residence addresses not given under item 2(b).

(b) Citizenship or nationality:

(c) If an officer, employee, or agent of a foreign government, foreign political party, or any official or agency thereof, state -

Name of such government,
political party, official, or
agency

Nature of Foreign Principal's
office, employment, or
agency

Nature of any subsidy
or other financial
arrangement

Not applicable

5. If the Foreign Principal is not an individual (natural person) or a foreign government, state the following:

(a) Type of Foreign Principal's organization.

Committee _____ Voluntary group _____ Association _____

Partnership _____ Corporation X Foreign Political Party _____

Other (specify) _____

(b) Date and place of organization.

April 16, 1959 in Havana, Cuba

(c) All partners, officers, directors, and similar officials of the Foreign Principal.

Name and address of official

Position, office or nature of duties

See Appendix VI, annexed hereto

(d) List, if any, all of the Foreign Principal's branches and local units and other component or affiliated groups or organizations in the United States and elsewhere.

*Name and address of branch, unit
group, or organization*

*Nature of connection with foreign
principal*

See Appendix VII, annexed hereto

(e) Branch or group, if any, represented by Registrant.

United States office

6. If the Foreign Principal is not a foreign government but is supervised, directed, or controlled by a foreign government, foreign political party, or an official or agency thereof, or by any other person or persons, state -

*Name of such government, political
party, or other persons*

*Nature and extent of supervision,
direction or control*

Registrant is informed and believes that this item is not applicable

7. If the Foreign Principal is not a foreign government but is financed or subsidized in any way by a foreign government, foreign political party, or an official or agency thereof, or by any other person or persons, state -

*Name of such government, political
party, or other persons*

*Nature and extent of such financing
or subsidization*

Registrant is informed and believes that Foreign Principal receives the sum of \$125,000 (Cuban) monthly from Radio Difusora Nacional, an agency of or under the supervision of a ministry of the government of the Republic of Cuba, on statements rendered for services furnished by the Foreign Principal to that agency.

8. If the Foreign Principal is not a foreign government, state nature of all its businesses, occupations or functions:

The receipt, transmission and broadcasting, recording and printing of news, ideas, information, national and international reports and comments, through the media of press, radio, television, etc.

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APR 16 1962

Registration Section
U.S. DEPT. OF JUSTICE

APPENDIX VII (Exhibit C, Item 5(d))

Registrant is informed and believes that all of the Foreign Principal's branch offices (together with names of the employees in charge) are, as follows:

Sr. Aroldo Wall
Ave. Almirante Barrosco No. 91
Salas 502-503
Rio de Janeiro
BRASIL.

Ventura Ramos
5ta. Ave. 11va. Calle
Comayaguela, Tegucigalpa
HONDURAS.

Amado Canelas Orellana
Bellavista No. 248
Casilla 2626
La Paz
BOLIVIA.

Edmundo Jardon Arzate
Atenas No. 40, 2do. piso
MEXICO 6, D. F.
MEXICO.

Efrain Rodriguez V.
Calle 3ra. entre Aves. 8-10 No. 856
San Jose
COSTA RICA.

Jaime Padilla Beliz
Ave. Peru No. 32-20
Oficina 2
Panama
Rep. de PANAMA.

Hugo Latorre Cabal
Calle 86 No. 11-67
Bogota D.E.
COLOMBIA.

Alfredo Munoz Unsain
Calle 18 de Junio No. 1277
Montevideo
URUGUAY.

Jose Leoncio Fernandez
Petrsk Namesti 1
Praha 1, C.S.R.
CHECOSLOVAQUIA.

Carlos Jorquera Tolosa
Union Central No. 1010
Oficina 1114
Santiago de Chile
CHILE.

Carlos Padilla Perez
Calle Bolivar No. 268
esquina a Venezuela
Quito
ECUADOR.

Francisco V. Portela
580 Fifth Ave., Apartment 903
New York 36, N. Y.
UNITED STATES.

Sr. Alberto Perez
88 Farrington St. 3rd floor
London E.C. 4
ENGLAND.

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APPENDIX VI (Exhibit C, Item 5(c))

Registrant is informed and believes that the officers, directors and similar persons of the Foreign Office are, as follows:

Fernando F. Revuelta	Office Address: Edif. Seguro Medico 23rd Street, No. 201 Havana, Cuba	Director General - Executive Head and Chief Operating Officer of the Foreign Principal
	Residence address: Focsa Building M & 17th Streets Vedado Havana, Cuba	
Francisco Martinez Morell	Address unknown	President
Dra. Nelida Rodriguez Perez	" "	Secretary
Alberto Perdomo	" "	Treasurer
Everardo Navas	" "	General Manager

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